

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Deutsche Bank National Trust Company,
as Trustee of Argent Mortgage Securities,
Inc. Asset Backed Pass Through
Certificates, Series 2005-W5 Under the
Pooling and Servicing Agreement Dated as
of November 1, 2005, Without Recourse

Plaintiff,

vs.

Tanika Overby, et al.

Defendants.

Case No. 1:07-cv-219

Judge Christopher A. Boyko

**JUDGMENT ENTRY AND
DECREE IN FORECLOSURE**

UNITED STATES DISTRICT JUDGE CHRISTOPHER A. BOYKO

This matter is before the Court on Plaintiff's Motion for Summary Judgment and Decree in Foreclosure. The real property that is the subject of this foreclosure action (the "Property") is as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being Sublot No. 161 in The Adams Realty Company's Speedway Park Subdivision of part of Original One Hundred Acre Lot Nos. 364 and 372, as shown by the recorded plat in Volume 40 of Maps, Page 12 of Cuyahoga County Records and being a parcel of land 40 feet front on the Westerly side of East 118th Street and extending back 101.84 feet on the Northerly line and 102.03 feet on the Southerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

In response to the Motion for Summary Judgment, the Court reviewed the Complaint, the Answer filed by Tanika Overby, and all evidence submitted, including the Plaintiff's Foreclosure Compliance Affidavit, and granted judgment to Plaintiff on its note on May 25, 2007. The Court expressly stated in its judgment entry that "if this judgment is not satisfied within ten (10) days,

Plaintiff Deutsche may file its Proposed Decree in Foreclosure and Motion for Order of Sale and Appointment of Master Commissioner in accordance with the terms of Amended General Order No. 2006-16." The Court finds that the period allotted has passed without Defendant having paid the amount of the judgment and the Court therefore now grants Plaintiff its Decree in Foreclosure.

The Court finds that the Mortgage was recorded with the County Recorder and is a valid and subsisting first mortgage on the Property. The Court further finds that the parties to the Mortgage intended that it attach to the entire fee simple interest in the property. Plaintiff's Mortgage is, however, junior in priority under Ohio law to the lien held by the County Treasurer to secure the payment of real estate taxes and assessments. All amounts payable under Section 323.47 of the Ohio Revised Code shall be paid from the proceeds of the sale before any distribution is made to other lien holders.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the equity of redemption of the defendant title holders in the Property shall be foreclosed and the Property shall be sold free of the interests of all parties to this action subject to redemption by Defendant pursuant to Ohio Rev. Code § 2329.33. In addition, an order of sale shall issue to the Master Commissioner, directing him to appraise, advertise and sell the Property according to the law and the orders of this Court and to report his proceedings to this Court.

Notice of the time and place of the sale of the Property shall be given to all persons who have an interest in the Property according to the provisions of Section 2329.26 of the Ohio Revised Code.

Upon distribution of the proceeds, pursuant to the Order of Confirmation of Sale and Distribution, a certified copy of the Order shall be issued to the Cuyahoga County Recorder and

Clerk of Courts directing them to enter the same on the margin of the records of the mortgages and liens, releasing the liens adjudicated herein from the premises.

IT IS SO ORDERED.

DATE: June 12, 2007

s/Christopher A. Boyko

Judge Christopher A. Boyko
UNITED STATES DISTRICT JUDGE

Approved:

/s/ Kevin L. Williams

Kevin L. Williams (0061656)
Manley Deas Kochalski LLC
P. O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-222-4921
Fax: 614-220-5613
Email: klw-f@mdk-llc.com
Attorney for Plaintiff